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OFFICE OF PETITIONS

In re Application :
Tway :
Application No. 10/065,444 : PATENT TERM ADJUSTMENT
Filed: October 18, 2004 :
Dkt. No.: 12693.0018.00US00 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed September 7, 2004. The instant application was timely filed at the time of payment of the issue fee.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is GRANTED.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 155 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicant requests that the Determination of Patent Term Adjustment be corrected from 0 days as indicated on the Determination of Patent Term Adjustment mailed June 18, 2004 to 155 days.

A review of the application history reveals that an adjustment of 183 days under 37 CFR 1.702(a)(1) can be attributed to the Office. In accordance with 37 CFR 1.703(a)(1), the adjustment began December 19, 2003, the day after the date that is fourteen months from the date the application was filed, and ended June 18, 2004, the date the Notice of Allowance was mailed. There were no further delays attributed to the Office.

The Office errantly entered January 7, 2004 as the date of reply to the Notice to File Missing Parts of Nonprovisional application, mailed October 31, 2002, rather than the correct date of February 28, 2003. Accordingly, the adjustment of 183 is properly reduced 28 days for applicant delay under 37 CFR 1.704(b). The delay began February 1, 2003, the day that is

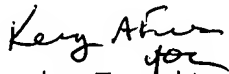
three months after the date the Office communication was mailed and ended February 28, 2003, the date a reply was submitted.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of 155 days, as argued by applicant.

The required fee of \$200.00 for an application for patent term adjustment has been submitted.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.


Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation